

BOARD OF APPEALS CASE NO. 5021

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BEFORE THE

APPLICANT: Paglia Contracting Co., Inc.

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ZONING HEARING EXAMINER

**REQUEST: Variance to construct an
addition 34 feet from the rear lot line;
1902 Treeline Drive, Forest Hill**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 2/23/00 & 3/1/00

HEARING DATE: April 5, 2000

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Record: 2/25/00 & 3/3/00

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Paglia Contracting Co., Inc., is requesting a variance to Section 267-35(C), Table III, of the Harford County Code, to construct an addition within the required 50 foot rear yard setback in an RR Rural Residential District. The Applicant is proposing a 34 foot setback.

The subject property is located at 1902 Treeline Drive, Forest Hill in the Fourth Election District. The parcel is more specifically identified as Parcel 453, in Grid 2B, on Tax Map 39. The parcel is approximately three-quarters of an acre in size, all of which is zoned RR. The property is owned by Mr. and Mrs. Dean Thrasher, who have contracted with the Applicant to build a master suite, bath and garage addition to the house.

Mr. Larry Paglia, the owner of Paglia Contracting Co., Inc., 3006 Andover Road, Forest Hill, appeared and testified that he has been doing custom residential construction for the past 18 years. He was hired by the Thrashers to build a 16 x 25 foot, two-story addition onto the rear of the home. The addition will include a garage on the first level and a master bedroom and bath on the second level. Mr. Paglia stated that the shape of the parcel, with the rear boundary line angling up towards the dwelling and the septic reserve located in the front of the home, severely limits the buildable area on the property. While there is significant room on the right side of the house to support the addition, the angle of the rear lot line and the existing improvements make it impossible to construct the addition within the required 50 foot rear yard setback. The addition cannot be moved forward without interfering with the aesthetic appearance of the home.

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Mr. Paglia testified that denial of the variance would prevent the owners from constructing an addition at all. He also indicated that there would be no negative impact on the adjoining properties if the variance were granted, and that the addition would actually enhance the value of the property.

Mr Anthony McClune, Manager, Division of Land Use Management for the Department of Planning and Zoning, appeared and testified that property is unique based upon the shape, the location of the septic reserve, and the placement of the dwelling on the property well behind the minimum front yard setback. In addition, the Department found that there would be no negative impact to the adjoining properties, particularly because of the existence of numerous trees and hedgerow across the back of the property which provide a natural visual shield around the structure. Accordingly, the Department recommends that the variance be approved. No witnesses appeared in opposition to the request.

CONCLUSION:

The Applicant is requesting a variance to Section 267-35(C), Table III of the Harford County Zoning Code, to construct a 16 by 25 foot, two-story addition within the required 50 foot rear yard setback. The Applicant is seeking a 16 foot variance, which would reduce the rear yard setback to 34 feet on at the closest point.

The uncontradicted testimony of the Applicant and the Department of Planning and Zoning is that the subject parcel is unique because of its shape and the placement of the dwelling on the property well behind the minimum front yard setback (to accommodate the septic reserve) and at an angle to the rear boundary line, thereby reducing the buildable area on the side and to the rear of the lot. Both witnesses testified that there would be no substantial detriment to the adjoining properties and no adverse impact to the neighborhood as a whole. Neither witness believes that approval of the variance would materially impair the purpose of the Code or the public interest. In fact, construction of the addition would enhance the value of the home.

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It is the finding of the Hearing Examiner that the subject property is unique for the reasons stated by the Applicant and the Department of Planning and Zoning in their testimony and, further, that approval of the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

Therefore, it is the recommendation of the Hearing Examiner that the requested variance to reduce the rear yard setback to 34 feet be approved, subject to the Applicant obtaining all necessary permits and inspections.

Date APRIL 26, 2000

**Valerie H. Twanmoh
Zoning Hearing Examiner**